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MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG IL 60196

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OFFICE OF PETITIONS

In re Application of
Ghosh et al. : DECISION ON
Application No. 09/742,905 : PETITION
Filed: December 20, 2000 :
Attorney Docket No. CE08950R :

This is a decision on the petition filed February 12, 2004, requesting that the above-identified application be accorded a filing date of December 20, 2000, instead of the present filing date of March 19, 2001.

As previously stated in the Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice) of February 6, 2001, the above-identified application had been accorded a filing date of December 20, 2000. The Notice indicated, *inter alia*, that Figure 4 appeared to have been omitted upon filing the application.

In the present petition, applicant admits that only two sheets of drawings were submitted on filing (Figures 1-3). On March 19, 2001, applicant filed a preliminary amendment, as well as three marked-up drawings. Applicant resubmitted the original Figures 1-3; however, Figure 1 was now labeled as Figure 4. Applicant also submitted a new drawing sheet labeled Figure 1.

The record supports applicant's assertion that the United States Patent and Trademark Office erroneously changed the application filing date to March 19, 2001, the date of receipt of the preliminary amendment and marked-up drawing sheets. The Office sincerely apologizes for the error.

Upon review of the file, it appears that drawing Figure 4 was mislabeled as a result of applicant's filing error. However, the

"Notice of Missing Part(s)" mailed February 6, 2001, was correct in stating that Figure 4 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

Accordingly, the petition is granted to the extent that the application will be accorded with a filing date of December 20, 2000, with ONLY the two (2) sheets of drawings submitted on December 20, 2000. The third drawing sheet submitted on March 19, 2001, will not be entered at this time.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to December 20, 2000, and the mailing of a corrected filing receipt. The record should indicate that two (2) sheets of drawings were submitted on filing.

Any inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions